

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

WILLIAM J. AILLS, JR.,

Plaintiff,

v.

YAKIMA CITY POLICE
DEPARTMENT, and
YAKIMA COUNTY SHERIFF'S
DEPARTMENT,

Defendants.

NO: 1:23-CV-3065-TOR

ORDER DISMISSING COMPLAINT

BEFORE THE COURT is Plaintiff's deficient complaint, ECF No. 1, filed on May 5, 2023. Plaintiff, then a prisoner at the Yakima County Jail, is proceeding *pro se*; Defendants have not been served. Plaintiff has not paid the filing fee or applied for *in forma pauperis* status. The Clerk sent a letter to Plaintiff advising him of these deficiencies, but the letter was returned as undeliverable (out of custody). ECF Nos. 2 and 3.

1 Here, the Court has weighed the factors required to be considered prior to
2 dismissal. *Carey v. King*, 856 F.2d 1439, 1440 (9th Cir. 1988) (quoting five factors
3 listed in *Henderson v. Duncan*, 779 F.2d 142, 1423 (9th Cir. 1986)). Additionally,
4 notice to Plaintiff now would be a futile gesture and no less drastic sanction is
5 available to the Court. *Carey*, 856 F.2d at 1441. It would be absurd to require this
6 Court to hold this case in abeyance indefinitely waiting to see if Plaintiff would
7 someday update his address and satisfy the filing fee requirement.


8 **ACCORDINGLY, IT IS HEREBY ORDERED:**

- 9 1. The Complaint (ECF No. 1) is **DISMISSED without prejudice**.
10 2. The Court certifies any appeal of this dismissal would not be taken in good
11 faith.

12 The District Court Executive is directed to enter this Order, enter judgment, and
13 **close** the file. Because Plaintiff has not provided an address, no service is required.

14 **DATED** June 30, 2023.




THOMAS O. RICE
United States District Judge